

# House File 666 - Introduced

HOUSE FILE \_\_\_\_\_  
BY MASCHER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act establishing a motorcycle safety helmet surcharge for  
2 issuance of a driver's license valid for operation of a  
3 motorcycle, providing for distribution of the surcharge, and  
4 providing penalties.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 2614HH 82  
7 dea/je/5

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1 1 Section 1. Section 321.191, subsection 5, Code 2007, is  
1 2 amended to read as follows:  
1 3 5. LICENSES VALID FOR MOTORCYCLES. An additional fee of  
1 4 one dollar per year of license validity ~~is~~ and a motorcycle  
1 5 safety helmet surcharge pursuant to section 321.191A are  
1 6 required to issue a license valid to operate a motorcycle.  
1 7 Sec. 2. NEW SECTION. 321.191A MOTORCYCLE SAFETY HELMET  
1 8 SURCHARGE == DRIVER'S LICENSE RESTRICTIONS == ENFORCEMENT ==  
1 9 PENALTY.  
1 10 1. A person applying for a new driver's license or renewal  
1 11 of a driver's license valid for the operation of a motorcycle  
1 12 shall be charged a motorcycle safety helmet surcharge, in  
1 13 addition to the fees required under section 321.191, as  
1 14 follows:  
1 15 a. (1) For a licensee who certifies that the licensee and  
1 16 the licensee's passengers will properly use safety helmets  
1 17 approved by the department when the licensee is operating a  
1 18 motorcycle, the surcharge is five dollars for each year of  
1 19 license validity. The driver's license shall indicate that  
1 20 the license is valid for the operation of a motorcycle only  
1 21 when the licensee and any passenger on the motorcycle are  
1 22 wearing safety helmets.  
1 23 (2) A violation of the license restriction under this  
1 24 paragraph "a" shall only be enforced in connection with a  
1 25 traffic stop for another motor vehicle violation. A violation  
1 26 of the license restriction under this paragraph "a", and a  
1 27 moving traffic violation committed while the licensee was  
1 28 operating a motorcycle in violation of the license  
1 29 restriction, is a simple misdemeanor punishable as provided in  
1 30 section 805.8A, subsection 14, paragraph "j".  
1 31 b. For a licensee who does not certify that the licensee  
1 32 and the licensee's passengers will use safety helmets when the  
1 33 licensee is operating a motorcycle, the surcharge is ten  
1 34 dollars for each year of license validity. The driver's  
1 35 license shall indicate that use of a safety helmet for the  
2 1 licensee and any passenger is optional when the licensee is  
2 2 operating a motorcycle.  
2 3 2. The amounts collected from the surcharge by the  
2 4 department under this subsection shall be paid monthly to the  
2 5 treasurer of state and credited to the road use tax fund.  
2 6 Notwithstanding section 423.43, and prior to the crediting of  
2 7 revenues to the road use tax fund under section 423.43,  
2 8 subsection 1, paragraph "b", the treasurer of state shall  
2 9 credit monthly from those revenues to the department the  
2 10 amount collected from the surcharge under subsection 1,  
2 11 paragraphs "a" and "b", in the previous month. The funds  
2 12 shall be used by the department for the following purposes and  
2 13 according to rules adopted by the department:  
2 14 a. To help pay expenses incurred by the state for  
2 15 survivors of motorcycle crashes who are deemed unable to pay  
2 16 such expenses incurred as a result of a motorcycle crash.  
2 17 b. To provide a resource for grants to be used for  
2 18 research involving head injuries or fatalities related to the

2 19 use or nonuse of safety helmets by motorcycle riders.  
2 20 c. To supplement funding for motorcycle and motorized  
2 21 bicycle safety and education programs provided by the state.  
2 22 d. To provide a resource for grants to be used by approved  
2 23 applicants of public and private motorcycle and motorized  
2 24 bicycle safety education and training schools certified by the  
2 25 state.  
2 26 e. To pay the costs associated with administration of this  
2 27 section.

2 28 3. For purposes of this section, "safety helmet" means a  
2 29 helmet that complies with the standards and specifications  
2 30 established under 49 C.F.R. } 571.218.

2 31 Sec. 3. Section 321.210, subsection 2, Code 2007, is  
2 32 amended by adding the following new paragraph:

2 33 NEW PARAGRAPH. e. Violations of driver's license  
2 34 restrictions under section 321.191A, subsection 1, paragraph  
2 35 "a".

3 1 Sec. 4. Section 321.555, subsection 2, Code 2007, is  
3 2 amended to read as follows:

3 3 2. Six or more of any separate and distinct offenses  
3 4 within a two-year period in the operation of a motor vehicle,  
3 5 which are required to be reported to the department by section  
3 6 321.491 or chapter 321C, except equipment violations, parking  
3 7 violations as defined in section 321.210, violations of  
3 8 registration laws, violations of sections 321.445 and 321.446,  
3 9 operating a vehicle with an expired license or permit, failure  
3 10 to appear, weights and measures violations, ~~and~~ speeding  
3 11 violations of less than fifteen miles per hour over the legal  
3 12 speed limit, ~~and violations of driver's license restrictions~~  
3 13 ~~under section 321.191A, subsection 1, paragraph "a".~~

3 14 Sec. 5. Section 805.8A, subsection 14, is amended by  
3 15 adding the following new paragraph:

3 16 NEW PARAGRAPH. j. MOTORCYCLE SAFETY HELMETS == LICENSE  
3 17 RESTRICTION VIOLATIONS. For violations under section  
3 18 321.191A, subsection 1, paragraph "a", the scheduled fine is  
3 19 twenty-five dollars. The scheduled fine for any moving  
3 20 traffic violation under chapter 321, as provided in this  
3 21 section, shall be doubled if the violation occurs in  
3 22 conjunction with a violation under section 321.191A,  
3 23 subsection 1, paragraph "a".

3 24 EXPLANATION

3 25 This bill imposes a motorcycle safety helmet surcharge for  
3 26 applicants for a driver's license valid for the operation of a  
3 27 motorcycle. The amount of the surcharge is subject to the  
3 28 applicant's choice between two options.

3 29 The first option requires the licensee to pay a surcharge  
3 30 of \$5 per year of license validity. The licensee shall  
3 31 certify that the licensee will wear an approved safety helmet  
3 32 while operating a motorcycle and that any passenger on the  
3 33 motorcycle will wear a safety helmet. The licensee is  
3 34 restricted to operating a motorcycle only under such  
3 35 conditions. The driver's license shall indicate the  
4 1 restriction agreed to for operation of a motorcycle. The bill  
4 2 allows enforcement of the license restriction only in  
4 3 conjunction with a traffic stop for another motor vehicle  
4 4 violation. A violation is punishable by a scheduled fine of  
4 5 \$25. Violations of the license restriction may not be taken  
4 6 into account for purposes of determining a person to be a  
4 7 habitual violator of traffic laws subject to suspension of a  
4 8 driver's license. However, the scheduled fine for any moving  
4 9 traffic violation committed while violating the license  
4 10 restriction is doubled.

4 11 The second option for the licensee is to pay a surcharge of  
4 12 \$10 per year of license validity. The applicant's driver's  
4 13 license shall indicate that helmet use is optional when the  
4 14 licensee is operating a motorcycle.

4 15 The bill specifies that moneys collected from the  
4 16 motorcycle safety helmet surcharge under both options are to  
4 17 be used by the department of transportation to help pay  
4 18 expenses incurred by the state for survivors of motorcycle  
4 19 crashes who are deemed unable to pay such expenses incurred as  
4 20 a result of a motorcycle crash; to provide a resource for  
4 21 grants to be used for research involving head injuries or  
4 22 fatalities related to the use or nonuse of safety helmets by  
4 23 motorcycle riders; to supplement funding for motorcycle and  
4 24 motorized bicycle safety and education programs provided by  
4 25 the state; to provide a resource for grants to be used by  
4 26 approved applicants of public and private motorcycle and  
4 27 motorized bicycle safety education and training schools  
4 28 certified by the state; and to pay the costs associated with  
4 29 administration of the bill's provisions.

4 30 LSB 2614HH 82  
4 31 dea:nh/je/5